

## REMARKS

First, the Applicant's note with appreciation the indication that Claims 2, 4, 5 and 8-20 are allowed.

Claims 3, 6 and 7 have been rejected under 35 U.S.C. §102(b) as being anticipated by an article by Shukla entitled "Synthesis of Some New Aryl  $\alpha$ -(3-Substituted-Carbazol-9-yl) Acetates/Propionates as Possible Antiinflammatory and Analgesic Agents" (hereinafter referred to as "Shukla"). This rejection, which appears on page 2, numbered paragraph 2 of the Official Action, is respectfully traversed.

According to the Official Action, compounds 6b, 6d and 6f in Table I of Shukla allegedly anticipate Claims 3, 6 and 7. It should be noted that compounds 6d and 6f in Table I of Shukla do not, in fact, anticipate the claims. In particular, in compound 6d "X" is defined as I (an iodine group) and in compound 6f, "X" is defined as NO<sub>2</sub>.

Claim 6 has been amended to delete "benzyl group" from the definition of R<sup>3</sup> in the formula (1). It is respectfully submitted that Claim 6 as amended is not anticipated by any of the compounds disclosed in Shukla. In particular, in compound 6b of Shukla the substituent corresponding to "R<sup>3</sup>" in the formula of Claim 6 is a phenyl group (*i.e.*, for compound 6b, of Shukla, "Y" in the formula is H). Claims 3 and 7 depend from Claim 6 and are therefore also patentable over the cited references.

New Claims 21-23 have been added. Proposed new Claim 21 is an independent claim which defines a class of compounds of formula (I) wherein R<sup>1</sup> in the formula (1) can be a hydrogen with the proviso that when R<sup>1</sup> represents a hydrogen atom, R<sup>2</sup> is selected from the group consisting of an ethyl group, an n-propyl group, an i-propyl group, an n-butyl group, a 2-methylpropyl group, a 1-methylpropyl group, a t-butyl group, a phenyl group, and a benzyl group. This claim would also not be anticipated by any of the compounds disclosed in Shukla. Proposed

new Claims 22 and 23 depend from Claim 21.

**CONCLUSIONS**

In light of the above, Applicants submit that this application is now in condition for allowance and therefore request favorable consideration. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants' counsel, Christopher W. Raimund at (202) 861-3896.

Respectfully submitted,

PIPER RUDNICK LLP

A handwritten signature in black ink, appearing to read 'S. Kelber', is written over a horizontal line.

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